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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3021 OF 2005

Adarsh Nagar Shramik Co-op.
Housing Society Ltd. & ors. ... Petitioners

V/s

State Government of Maharashtra & ors. ... Respondents

Mrs. Jyoti Chavan for the petitioners.

Mr. V.A. Thorat alongwith Mr. R.A. Thorat for the respondent No.6.

Mr. K.R. Belosey, Asstt. Govt. Pleader for the respondent Nos. 1, 4 & 5.

CORAM: R.M. LODHA &
SMT. NISHITA MHATRE, JJ.

DATED: 9TH JANUARY, 2007.

P.C.:

Our attention was invited to the earlier writ petition being Writ Petition No. 7805 of 2003 filed by the petitioners on the appellate side and the order dated 8.4.2004 passed thereon whereby the petitioners were allowed to withdraw that writ petition with liberty to file civil suit, if so advised. Instead of filing the civil suit, the petitioners have filed the present writ petition. The counsel for the petitioners submitted that when the earlier writ petition was filed,

petitioners were not aware of the Government Resolution dated 20.12.1992 which they came to know on receipt of the letter dated 7.12.2004 from the Municipal Corporation of Greater Mumbai. In our view, this may not justify filing the fresh writ petition. Confronted with this, the counsel for the petitioners prays for withdrawal of this writ petition with liberty to the petitioners to file review application seeking review of the order dated 8.4.2004 in Writ Petition No. 7805 of 2003.

2. Writ petition is allowed to be withdrawn with liberty as prayed for.

3. For a period of four weeks, the ad-interim order dated 8.4.2004 shall remain in operation.

(R.M. LODHA, J.)

(SMT. NISHITA MHATRE, J.)